

1 Arlene B. Mayerson, Esq., CA Bar # 79310
2 Larisa M. Cummings, Esq., CA Bar # 131076
3 DISABILITY RIGHTS EDUCATION & DEFENSE
4 FUND, INC.
5 2212 Sixth Street
6 Berkeley, CA 94710
7 Telephone: (510) 644-2555
8 Fax: (510) 841-8645
9 Email: amayerson@dredf.org
10 Email: lcummings@dredf.org
11 *Attorneys for Plaintiffs*

7 MICHAEL P. MURPHY
8 COUNTY COUNSEL (SBN 83887)
9 BY: KATHRYN E. MEOLA DEPUTY (SBN
10 172034)
11 BY: AIMEE B. ARMSBY, DEPUTY (SBN 226967)
12 Hall of Justice and Records
13 400 County Center, 6th Floor
14 Redwood City, CA 94063
15 Telephone: (650) 363-4647
16 Facsimile: (650) 363-4034
17 Email: kmeola@co.sanmateo.ca.us
18 aarmsby@co.sanmateo.ca.us
19 *Attorneys for Defendant Ravenswood City
20 School District*

William S. Koski, Esq., CA. Bar #166061
STANFORD LAW SCHOOL
YOUTH & EDUCATION LAW PROJECT
559 Nathan Abbott Way
Stanford, CA 94305-8610
Telephone: (650) 724-3718
Fax: (650) 723-4426
Email: bkoski@stanford.edu
Attorneys for Plaintiffs

EDMUND G. BROWN JR.
Attorney General of California
JULIE WENG-GUTIERREZ
Supervising Deputy Attorney General
LISA A. TILLMAN
Deputy Attorney General
State Bar No. 126424
1300 I Street, Suite 125
P.O. Box 944255
Sacramento, CA 94244-2550
Telephone: (916) 327-7872
Fax: (916) 324-5567
E-mail: Lisa.Tillman@doj.ca.gov
*Attorneys for Defendants Department of
Education, Delaine Eastin, Superintendent of
Public Instruction*

16 **UNITED STATES DISTRICT COURT**
17 **NORTHERN DISTRICT OF CALIFORNIA**

19 EMMA C., et al.,

20 Plaintiffs,

21 vs.

22 DELAINE EASTIN, et al.

23 Defendants.

Case No. C-96-4179 THE

CLASS ACTION

**FINAL JOINT STATEMENT AND
STIPULATION CONCERNING RSIP
BENCHMARK AND COMPLIANCE
FRAMEWORK**

25
26 In response to this Court's June 30, 2010 order, the Parties submit this joint statement of
27 stipulated terms concerning an RSIP compliance deadline and benchmark framework.
28

1 **STIPULATED TERMS AND PROVISIONS**

2 **I. Final Deadline for RSIP Compliance.**

3 Plaintiffs, Defendant Ravenswood City School District and related defendants (District) and
4 Defendants California Department of Education, Delaine Eastin and the Superintendent of Public
5 Instruction (State Defendants), have agreed that the final deadline date for full RSIP compliance should
6 be July 2014 as to all outstanding RSIP items, except as to item 13.4.1 due to its five-year maintenance
7 period.
8

9 **II. Measurement of RSIP Compliance and Benchmarks.**

10 Attached as Exhibit A is a list of all RSIP items and requirements for which the District has not
11 reached full compliance and/or completed the requisite maintenance period. An RSIP item that has met
12 maintenance period requirements and so is no longer monitored by the Court Monitor is not subject to
13 this benchmark framework.

14 Exhibit A states specified dates by which specified benchmarks must be obtained for the
15 indicated RSIP items. The Court Monitor will issue an annual report following each such benchmark
16 period which shall state the District’s compliance status with each such benchmark. The Parties
17 understand that the applicable date for measurement of compliance with the initial benchmark for certain
18 RSIP items will be July 31, 2011, and the level of compliance with that initial benchmark will be
19 published in the Annual Trends Report filed by the Monitor in October 2011 (2011 Trends Report).

20 **III. Interventions.**

21 **A. Designated Dates**

22 The parties have agreed to the general principle that if a benchmark has not been met by the
23 designated date, the District will be subject to interventions. Exhibit A contains suggested or possible
24 interventions for Tier 1 and Tier 2, and is not an exhaustive list of interventions for each tier. In accord
25 with this Court’s order, the interventions are graduated between the two tiers, with Tier 2 interventions
26 introducing a greater level of severity. (CD 1480.)

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1 **B. The Trigger for Tier 1 or Tier 2 Interventions.**

2 The parties agree to the triggering of Tier 1 and Tier 2 interventions on the following bases:

3 1. Tier 1 interventions would be triggered the first time the District is determined
4 noncompliant with one of the established benchmarks, under the process described in Section C below.
5 Tier 1 interventions will also be applied if the District fails to meet the established benchmarks for a
6 particular RSIP item for two consecutive benchmarking periods, but for the second such period, the
7 District has made progress and reached or exceeded the level of the first benchmark.

8 2. Tier 2 interventions would be triggered when the District has been found not to have met
9 the established benchmarks for a particular RSIP item for two *consecutive* benchmarking periods and the
10 District has not met or exceeded the level of the first benchmark for the second consecutive
11 benchmarking period.

12 **C. The Process for Applying Interventions.**

13 The process by which an intervention will be selected is as follows:

14 1. Within seven days following the Court Monitor’s issuance of the annual report regarding
15 compliance with the benchmarks, each party shall submit to all Parties and the Court Monitor a proposed
16 intervention selected from either the Tier 1 or Tier 2 list, as appropriate, for each of the items for which
17 the District was found non-compliant.

18 2. Within fourteen days following the Court Monitor’s issuance of a report regarding
19 compliance with the benchmarks, the parties shall meet and confer in an effort to reach agreement on the
20 appropriate intervention for each non-compliant item.

21 3. If resolution cannot be reached on an appropriate intervention for any non-compliant
22 items, such dispute shall be submitted to the Monitor immediately following the Parties’ meet-and-confer
23 and the Monitor shall make a determination regarding the appropriate intervention for each non-
24 compliant item within seven days following submission of the dispute.

25 4. Any Party may request that the Court review the Monitor’s determination(s) within seven
26 days following issuance of the determination.

27 5. All agreed-upon interventions and all final determinations regarding interventions shall
28 become orders of the Court.

1 Deputy County Counsel
2 *Attorneys for Ravenswood City School District*

3 OFFICE OF THE CALIFORNIA ATTORNEY GENERAL

4 By: _____/s/_____

5 Lisa Tillman
6 Deputy Attorney General
7 *Attorneys for Defendants Delaine Eastin, Superintendent of Public
8 Instruction, and California Department of Education*

